

RECEIVED
CENTRAL FAX CENTER

MAR 23 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872 - 9306 on March 23, 2005.

Total pages in this transmission: 2

Gudrun E. Huckett
Gudrun E. Huckett, Patent Agent

Applicant: Gisela Schon
 Serial No: 09/807,410
 Filed: 4/19/2001
 Title: Seat
 Examiner: Stephen A. Vu
 Art Unit: 3636

Commissioner for Patents

Alexandria, VA 22313-1450

RESPONSE TO FINAL REJECTION PURSUANT TO 37 CFR 1.116

In response to the office action dated 3/2/2005, the undersigned has today discussed by telephone claim 12 of record with the examiner.

The undersigned pointed out that the last paragraph of instant claim 12 defines that the seating surface is **not connected to said means for supporting** (an upper body) and **moves independently of said means for supporting** (an upper body) and **independently of said base**.

Claim 12 defines that the seating surface on which a person is sitting is moved by the driving means relative to the base and relative to the means for supporting (e.g. a backrest). The seating surface is neither fixed relative to the base nor relative to the upper body support.

The undersigned further pointed out that GB 2 171 610 shows in Fig. 11 a rocking chair. The back rest as well as the arm rests are attached fixedly to the sitting surface. The sitting surface is fixedly mounted on the legs and the arcuate rockers. The arcuate rockers, the legs, the sitting surface, the back rest, and the arm rests form together a rigid and fixed unit. When the chair performs a rocking motion, the sitting surface, the back rest, and the arm rests as well as the base

- 1 -

3/23/05: Response after FR for Ser. No. 09/807,410 - Inventor(s): Gisela Schon - Filing Date: 4/19/2001

(arcuate rockers and the legs connecting the arcuate rockers to the sitting surface) move together. No movement is possible between the sitting surface and the backrest and/or the arm rests as an upper body support or the sitting surface and the base (arcuate rockers and legs attached to the sitting surface). Therefore, the discussed features are not disclosed or suggested by the prior art reference.

After reviewing the claim language of claim 12 and the disclosure of the reference GB 2 171 610, the examiner agreed that the discussed features of the last paragraph of claim 12 are not disclosed or obvious in view of GB 2 171 610 and that claim 12 therefore is allowable *vis-à-vis* GB 2 171 610.

As claim 12 is allowable, claims 34 and 39 that depend from claim 12 are also allowable.

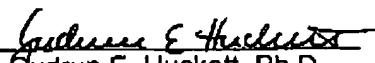
CONCLUSION

In view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or e-mail from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on March 23, 2005.


Ms. Gudrun E. Huckett, Ph.D.
Patent Agent, Registration No. 35,747
Lönsstr. 53
42289 Wuppertal
GERMANY
Telephone: +49-202-257-0371
Facsimile: +49-202-257-0372
gudrun.draudt@t-online.de

GEH

- 2 -

3/23/05: Response after FR for Ser. No. 09/807,410 - Inventor(s): Gisela Schon - Filing Date: 4/19/2001